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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,661	08/01/2003	Steven M. Casey	20366-092000	3558
20350 7590 07/03/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER TIMBLIN, ROBERT M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,661

Applicant(s)

CASEY ET AL.

Examiner

ROBERT TIMBLIN

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 and 23-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 10-17 and 23-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This office action corresponds to application 10/632,661 filed 8/01/2003.

Claims 10-17 and 23-25 have been examined and are pending under prosecution.

Response to Amendment

Claims 10, 11, and 23 have been amended, claims 18-20 and 22 have been cancelled, and claims 24-25 are newly added. Accordingly, claims 10-17 and 23-25 are pending as per the amendment filed 4/3/2008.

Claim Rejections - 35 USC § 112

The previous rejection(s) under 35 U.S.C. 112 have been withdrawn in light of the present amendments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 17, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Elwahab et al. ('Elwahab' hereinafter) (U.S. Patent Application 2001/0034754 A1).

With respect to claim 10, Elwahab teaches a method for utilizing content objects by a content access point within a customer's premises, wherein the method comprises:

accessing a first content object (0024, API specification of a set of commands) from a first content object entity (20) within a customer's premises (abstract), wherein the first content object (0024, API specification of a set of commands) is in a first content format (0024, i.e. wherein the API specification is in a XML of flat text format) compatible with the first content object entity (20);

abstracting the data type of the first content object (0024, API specification of a set of commands) to create a second content object (28, 30) in an abstract format (0024 and figure 1; i.e. converting this API specification into a set of commands such as contained in a markup language-type page), wherein the abstract format (e.g. XML) is compatible with a plurality of content formats (30, 32; i.e. XML is a known standard for sharing information);

distinguishing (0023 and 0074, e.g. gaining access/controlling a specific computer) the data type of the second content object (markup language-type page) to create a third content object (i.e. a command with a smart device), wherein the third content object is compatible with a second content object entity (i.e. the markup language-type page is inherently distinguished to communicate with the respective smart devices of figure 1) within a customer's premises (abstract) and different from the first content format (0068; i.e. Elwahab discusses a Markup-language type page representing a device management message that is understood by the smart device to describe that the commands in markup format are communicated in a [different] format understood by the smart device); and

providing the third content object (i.e. a command with a smart device) to the second content object entity (smart devices of figure 1) and passing data to the smart device (0028; e.g. sending a command to a smart refrigerator).

With respect to claim 17, Elwahab teaches querying each of the first plurality of content object entities to identify a first plurality of content objects as discovery mode [0037];

and providing an access point (as a PC within the premises; [0062]), wherein the access point indicates the first plurality of content objects (commands, [0038]), and one or more of the second plurality of content object entities 120 to which each of the first plurality of content objects can be directed (i.e. smart devices).

With respect to claim 23, the method of claim 11, Elwahab teaches wherein the first content object comprises at least one of a voicemail object, an email object, a video object, an audio object, a document object, and an Interact web page (0011 and drawing reference 58; i.e. a device specification).

With respect to claim 24, the method of claim 23, wherein the third content object comprises one of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page (0061, 0074 and drawing reference 70).

With respect to claim 25, the method of claim 24, wherein the fourth content object comprises one of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page (0027 and drawing reference 54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elwahab as applied to claims 10, 17, and 23-25 above in view of Jeffrey (U.S. Patent 6,576,981).

With respect to claim 11, Elwahab teaches the limitations substantially the same as claims 1-10, and 17-19 presented above.

Elwahab fails to explicitly suggest or teach accessing a fourth content object from a third content object entity wherein the fourth content object is in a third content format compatible with the third content object entity and different from the first content format and the second content format; abstracting the fourth content object to create a fifth content object; and combining the fifth content object with the second content object, wherein the combination of the second and fifth content objects are distinguished to create the third content object.

Jeffrey, however, suggests these limitations by using a composite converter (col. 7 lines 14-35) for creating a composite video signal (col. 9 lines 53-55).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because combining the teachings of Jeffrey with Those of Elwahab would have provided the advantage of efficiently

integrating broadcast and telecommunications signals from a variety of sources. A further advantage would be permitting interactive signal selection (col. 2 lines 16-30).

With respect to claim 12, Elwahab fails to teach these limitations.

Jeffrey, however, teaches wherein the first content object is a video object 106, and wherein the fourth content object is an audio object 104.

With respect to claim 13, Elwahab fails to teach these limitations.

Jeffrey, however, teaches wherein abstracting the first content object includes separating an audio portion from a video portion of the video object as signal separator 102.

With respect to claim 14, Elwahab teaches wherein the first content object is a video object, and wherein the fourth content object is an Internet object (Markup-language-Type content; [0015]). Elwahab fails to teach a video object whereas Jeffrey teaches a video object 106.

With respect to claim 16, the limitations of this claim are rejected substantially the same as those of claims 11-13 for being similar. Furthermore, Elwahab fails to teach removing a visual portion of the video object, and wherein the second content object includes an audio portion of the video object.

Jeffrey, however teaches this limitation as the function of signal separator to separate and audio/video signal.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because combining the teachings of Jeffrey with Those of Elwahab would have provided the advantage of efficiently integrating broadcast and telecommunications signals from a variety of sources. A further advantage would be permitting interactive signal selection (col. 2 lines 16-30).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Elwahab and Jeffrey as applied to claims 11-14, and 16 above and further in view of Baer et al ('Baer' hereinafter) (U.S. Patent 6,611,840).

With respect to claim 15, the combination of Elwahab and Jeffrey fail to teach these limitations.

Baer, however teaches wherein the method further comprises: identifying a content object associated with one of the first plurality of content object entities that has expired (as an object entity expiration date; col. 13, lines 49-52); and removing the identified content object as removing content (abstract) for deleting and purging information.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teaching of Baer would have provided the combination of Elwahab and Jeffrey's invention a way to delete information not in use after expiration.

Response to Arguments

Applicant's arguments filed 4/3/2008 have been fully considered but they are not persuasive.

Applicant notes on page 6 that Elwahab does not discuss abstracting or distinguishing "content objects" such as traditional content including movies music, games, voicemails, emails software, security video, emergency alerts, and any other content that comes to the home or can be requested from the network via providers. The Examiner respectfully disagrees and asserts that within the broad meaning of the term "content" objects, Elwahab is remains to teach such "content objects". For example, Elwahab teaches the retrieving, abstracting and distinguishing of device specifications so that they may be transmitted as commands to a respective smart device. In at least this aspect, Elwahab discloses "content" and "content objects" as well as providers of this content. Further, as the Examiner has given the claims their broadest reasonable interpretation as per MPEP 2111, Elwahab is seen to disclose content objects in light of their meaning gleaned from the specification.

Applicant also argues on page 6 of the reply that Elwahab does not disclose grouping sources of such [content] objects into sources and destinations. The Examiner submits that in light of the amendments, this feature is no longer claims (i.e. this limitation was in previous claim 18, now cancelled). Therefore In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., grouping sources of such [content] objects into sources and destinations) are

not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, in the interest of compact prosecution, the Examiner submits that as can be broadly interpreted, Elwahab discloses the transmitting of content to and from sources and destinations as the controlling of smart devices (destination) from a user device (source) such as a computer (0009, Elwahab) through a command specification.

Applicant argues on page 6 of the reply that Elwahab does not disclose abstracting a first content object from an first content object entity in a format compatible with a first content object entity into a second content object in an abstract form and distinguishing the second (abstract) content object to create a third content object in an second content format that is compatible with a second content object entity and different from the first content format.

The Examiner disagrees with this argument because Elwahab generally discloses retrieving a device specification from a first content object entity (20). The Examiner further notes that the device specification is compatible with this entity simply because the data is able to be stored with this entity. Further, the Examiner notes that this specification is abstracted into a mark-up language document such as (XML or HTML) so that it can then be distinguished to the appropriate device as device commands that the smart device can understand (Elwahab, 0024). In other words, the device specifications translated into commands for a particular device may be seen as a third (and distinguished) format because a particular device may not understand commands in XML (for example, a CD player 64).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/

Examiner, Art Unit 2167

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167